

BURSOR & FISHER, P.A.

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN RETTA, KIRSTEN
SCHOFIELD, and JESSICA MANIRE
on Behalf of Themselves and all Others
Similarly Situated,

Plaintiffs,

v.

MILLENNIUM PRODUCTS, INC., and
WHOLE FOODS MARKET, INC.,

Defendants.

Case No. 2:15-cv-01801-PSG-AJW

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, PROVISIONAL
CERTIFICATION OF
NATIONWIDE SETTLEMENT
CLASS, AND APPROVAL OF
PROCEDURE FOR AND FORM OF
NOTICE**

Date: October 17, 2016
Time: 1:30 p.m.
Courtroom 880

Judge: Hon. Philip S. Gutierrez

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT on October 17, 2016 at 1:30 p.m. or as soon thereafter as counsel may be heard by the above-captioned Court, located at 255 East Temple Street, Los Angeles, California 90012 in the courtroom of Judge Philip S. Gutierrez, Plaintiffs Jonathan Retta, Kirsten Schofield, and Jessica Manire (“Plaintiffs”), by and through their undersigned counsel of record, will move, pursuant to Fed. R. Civ. P. 23(e), for the Court to: (i) grant preliminary approval of the proposed Stipulation of Class Action Settlement (“Settlement Agreement”), (ii) provisionally certify the Class for the purposes of preliminary approval, designate Plaintiffs as the Class Representatives, and appoint Bursor & Fisher, P.A. as Class Counsel for the Class, (iii) establish procedures for giving notice to members of the Class, (iv) approve forms of notice to Class Members, (v) mandate procedures and deadlines for exclusion requests and objections, and (vi) set a date, time and place for a final approval hearing.

This motion is made on the grounds that preliminary approval of the proposed class action settlement is proper, given that each requirement of Rule 23(e) has been met.

This motion is based on Plaintiff’s Memorandum of Points and Authorities in Support of Motion for Preliminary Approval of Class Action Settlement, Provisional Certification of Nationwide Settlement Class, and Approval of Procedure for and Form of Notice, the accompanying Declarations of L. Timothy Fisher and Steven Weisbrot and attachments thereto, including the Settlement Agreement, the pleadings and papers on file herein, and any other written and oral arguments that may be presented to the Court.

1 Dated: August 11, 2016

Respectfully submitted,

2 **BURSOR & FISHER, P.A.**

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4 By: /s/L. Timothy Fisher
L. Timothy Fisher

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